(a) whether Government is aware of the recent ruling given by the Supreme Court that although the constitutional power of "Certiorari" is vested in the High Courts, it would be governed solely by the dictates of judicial conscience enriched by experience and practical wisdom of the Judges;

(b) if so, whether such a course would become subjective as "wisdom and experience" are personal attributes and are not well defined; and

(c) whether such a subjectivity adjudication would at times, deny justice to the relief seeker?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir, The Hon'ble Supreme Court in B.K. Muniraju *Vs.* State of Karnataka & Ors., 2008 (4) SCC 451, has *inter alia* made the following observations:

"As observed in Surya Dev Rai *Vs.* Ram Chander Rai (2003) 6 SCC 675 the exercise of jurisdiction under Articles 226 or 227 of the Constitution cannot be tied down in a straitjacket formula or rigid rules. To put it clear though the power is there but the exercise is discretionary which will be governed solely by the dictates of judicial conscience enriched by judicial experience and practical wisdom of the Judge."

(b) and (c) No, Sir. Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect of the case.

Supreme Court Bench in South India

1460.PROF. P. J. KURIEN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has received representation to establish a Supreme Court Bench in South, preferably at Bangalore;

(b) if so, the details thereof;

(c) whether such proposal would help the people in the Southern States to get fair and speedy justice at lesser expenses; and

(d) if so, the steps Government would like to take in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) Representations have been received from time to time from various sources, for establishment of Benches of the Supreme Court in various parts of the country. Suggestions have also been made by the Governments of Tamil Nadu, Andhra Pradesh, Karnataka, Tripura and West Bengal for establishment of Benches of the Supreme Court in the Southern/Eastern/North-Eastern parts of the country.

(c) and (d) The Chief Justice of India has informed that the Full Court, in its meeting held on 7th August, 2007, did not favour setting up of Benches of the Supreme Court outside Delhi. The Government can consider the matter after such a proposal/recommendation is received from the Chief Justice of India as per the provisions of Article 130 of the Constitution.

Reforms in judiciary

1461. SHRI KUMAR DEEPAK DAS: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government would consider to bring about reforms in appointment of Judges, extending the working hours and to check the increasing number of pending cases;

(b) whether Government would increase the present salary and facilities of Judges;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) There is no proposal at present to change the present system of appointment of Judges in higher judiciary. Working hours of the courts are governed by Rules which are administered by the respective Courts. Government has, however, after review of judges strength in 2006, 2007 and 2008, approved increase in number of Judges by 163 in various High Courts. The Government also proposes to increase the number of Judges in the Supreme Court by 5 for which the Supreme Court (Number of Judges) Amendment Bill 2008 has already been introduced in the Lok Sabha.

(b) to (d) The Government has proposed a revision in the salaries, allowances, etc. of the Judges of the Supreme Court and High Courts and for improvements in the retiral benefits to retired Judges. Necessary Government orders will issue after effecting amendments in the relevant legislation.

Appointment of judges to higher judiciary

1462.PROF. ALKA BALRAM KSHATRIYA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the present procedure of appointment of Judges to High Courts and Supreme Court needs radical changes;

(b) if so, the facts and details thereof;

(c) whether Government proposes to set up a National Judicial Commission to make appointments and to deal with errant Judges; and

(d) if so, the facts and details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (d) Suggestions have been received from various quarters to make changes in the present procedure for appointment of Judges in the higher judiciary.

The Government had introduced the Judges (Inquiry) Bill, 2006 in the Parliament to, *inter-alia*, set up a National Judicial Council to examine the complaints against the Judges for misbehaviour and incapacity and also to draw up a code of conduct. The said Bill was examined by the Department Related Parliamentary Standing Committee and its Report was examined in the Department. It has now been decided to withdraw this Bill of 2006 and introduce another Bill titled The Judges (Inquiry) Amendment Bill, 2008.

Appointment of Judges

1463.SHRI GIREESH KUMAR SANGHI:
SHRIMATI SUPRIYA SULE:
DR. T. SUBBARAMI REDDY:

Will the Minister of LAW AND JUSTICE be pleased to state: